HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 10617 OF 2006

Dated 9th June, 2006

Between:
Smt. D.Anitha W/o D.Rupkumar

… Petitioner

And

The Divisional Forest Officer, Flying Squad Division,
Piler, Chittoor District and another.

… Respondent.

ORDER:

The petitioner is the owner of the vehicle bearing No. AP 03 V-8975 and questions the seizure of the said vehicle by the forest officials on 10.11.2005, in this writ petition.

Counter affidavit has been filed by the Forest Range Officer, Flying Squad Division, in which, it is stated that the vehicle was seized while transporting red sander logs illicitly from Bodevandlapalli area. It is further stated in the counter-affidavit that after collecting the necessary documents with regard to ownership, proceedings are initiated under Section 44(2) of the A.P. Forest Act, 1967 and the enquiry is in progress. Along with the counter-affidavit, a copy of the show-cause notice, which was issued on 2.6.2006, is also filed and the matter is posted for enquiry on 19.6.2006.

Having regard to the nature of allegations, it is not a fit case to order release of the vehicle seized at this stage. Whether the petitioner is having knowledge about the transportation or not is a matter to be considered in the enquiry initiated under Section 44 of the Act. As much as show cause notice has already been issued and the matter is posted to 19.6.2006 for enquiry, I dispose of the writ petition directing the first respondent – Divisional Forest Officer, Flying Squad Party, Piler, to complete the enquiry within a period of six weeks from today and pass appropriate final orders. However, it is made clear that it is open for the first respondent to consider the plea of the petitioner that the said transportation was without her knowledge, along with her other pleas.

The writ petition is disposed of accordingly. No order as to costs.

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9.6.2006

(R.SUBHASH REDDY, J.)

VR

Note:
Issue cc in three days.
(BO)
VR